

1  
2  
3 \*E-FILED 8/20/08\*  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LEE JACKSON, et al., No. C 07-05667 RS

Plaintiffs,

v.

CASE MANAGEMENT  
SCHEDULING ORDER

SILICON VALLEY ANIMAL CONTROL  
AUTHORITY, et al.,

Defendants.

/

A further Case Management Conference was held on August 13, 2008.

IT IS HEREBY ORDERED THAT:

The final pretrial conference will be held on **January 14, 2009 at 2:30 p.m.**, in Courtroom 4 at the United States Courthouse, 280 S. First Street, San Jose, California. Each party or lead counsel who will try the case shall attend personally. Counsel shall comply with the attached Standing Order re: Pretrial Preparation, and on or before **January 5, 2009**, shall file a Joint Pretrial Statement.

Jury trial shall commence on **January 26, 2009 at 9:00 a.m.**, in Courtroom 4, United States Courthouse, San Jose, California.

1 The pretrial conference date of October 15, 2008 and the trial date of October 27, 2008 are  
2 VACATED.

3 DATED: August 20, 2008

  
4 RICHARD SEEBORG  
5 United States Magistrate Judge

1  
2  
3  
4  
5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7  
8

9 STANDING ORDER FOR FINAL PRETRIAL CONFERENCE  
10 IN JURY CASES BEFORE MAGISTRATE JUDGE RICHARD SEEBORG  
11  
12

- A. **Required Meeting and Disclosure Prior to Pretrial Conference:** At least 21 days before the final Pretrial Conference, lead counsel who will try the case shall meet and confer with respect to:
1. Settlement of the case;
  2. Preparation and content of the Joint Pretrial Statement and Order in accordance with this Standing Order;
  3. Preparation and exchange of pretrial materials to be served and lodged pursuant to Rule 26(a)(3) F.R. Civ. P. and this Standing Order; and,
  4. Clarifying and narrowing the contested issues for trial in order to achieve a just, speedy and efficient determination of the case.
- B. **Joint Pretrial Statement and Order:** At least ten (10) days before the Pretrial Conference, unless otherwise ordered, the parties shall lodge and serve a Joint Pretrial Statement and Proposed Order containing the following information:
1. **Substance of the Action.** A brief description of the parties, the substance of claims and defenses that remain to be decided, and the operative pleadings that raise the issues;
  2. **Relief Prayed.** A detailed statement of all relief claimed, particularly itemizing all elements of damages claimed;

**United States District Court**  
For the Northern District of California

- 1       3. Amendments or Dismissals. A statement of proposed  
2       amendments to pleadings or dismissals of parties, claims or  
3       defenses;
- 4       4. Undisputed Facts. A plain and concise statement of all relevant  
5       facts to which the parties will stipulate for incorporation into the  
6       trial record without the necessity of supporting testimony or  
7       exhibits. The parties shall exercise good faith in stipulating to  
8       facts that are not reasonably disputable;
- 9       5. Disputed Factual Issues. A plain and concise list of the issues of  
10      fact that are contested and remain to be litigated at trial;
- 11      6. Agreed Statement. A statement assessing whether all or part of  
12      the action may be presented upon an agreed statement of facts;
- 13      7. Stipulations. A statement of proposed stipulations or agreements  
14      that will expedite the presentation of evidence;
- 15      8. Witnesses to be Called. A list of all witnesses likely to be called  
16      at trial, other than solely for impeachment or rebuttal, together  
17      with a brief statement following each name describing the  
18      substance of the testimony to be given. No party shall be  
19      permitted to call any witness in its case in chief that is not  
20      disclosed in its pretrial statement without leave of court for good  
21      cause;
- 22      9. Exhibits, Schedules and Summaries. A list of all documents and  
23      other items to be offered as exhibits at the trial, other than solely  
24      for impeachment or rebuttal, with a brief statement following  
25      each, describing its substance or purpose and the identity of the  
26      sponsoring witness;
- 27      10. Disputed Legal Issues. Without extended legal argument, a  
28      concise statement of each disputed point of law concerning  
liability or relief, citing supporting statutes and decisions;
11. Pending Motions or Matters. A statement of any motions or  
matters that must be resolved prior to trial;
12. Bifurcation, Separate Trial of Issues. A statement of whether  
bifurcation or a separate trial of specific issues is feasible and  
desired;
13. Estimate of Trial Time. An estimate of the number of hours or  
days needed for the trial; and,
14. Miscellaneous. Any other matters that will facilitate the just,  
speedy and efficient determination of the action.

1           **C. Binding Effect of the Joint Pretrial Statement and Order:** The Joint  
2           Pretrial Statement and Order described above shall recite, directly  
3           above the signature lines of each party, the following:

4           The foregoing admissions having been made by the parties, and the  
5           parties having specified the foregoing issues of fact and law remaining  
6           to be litigated, this order shall supplement the pleadings and govern the  
7           course of trial of this cause, unless modified to prevent manifest  
8           injustice.

9           **D. Preparation For Trial**

10          1. Exhibits:

- 11           a. At least (10) days before the final Pretrial Conference, the  
12           parties shall exchange copies of all exhibits, summaries,  
13           charts, and diagrams to be used at trial other than solely for  
14           impeachment or rebuttal.  
15           b. Each exhibit shall be premarked for identification. Counsel  
16           shall meet and confer and reach agreement upon a method  
17           for marking exhibits (for example, Plaintiff shall use  
18           numbers and Defendant shall use letters, or Plaintiff shall  
19           use numbers 100-199 and Defendant shall use numbers  
20           200-299, etc.).  
21           c. Unless otherwise ordered, at least five (5) days prior to the  
22           commencement of trial the parties shall deliver three sets  
23           of all premarked exhibits contained in three ring binders to  
24           the judge's deputy clerk.  
25           d. No party shall be permitted to offer any exhibit at trial that is  
26           not disclosed in its pretrial statement without leave of court  
27           for good cause, unless it is offered solely for impeachment  
28           or rebuttal.

29          2. Motions in Limine: Unless otherwise ordered, the parties shall  
30           file and serve any motions in limine at least ten (10) days before  
31           the final Pretrial Conference, and any oppositions thereto at least  
32           three (3) days before the final Pretrial Conference. Ordinarily,  
33           these motions will be deemed submitted without oral argument.

34          3. Deposition and Discovery Designations: Unless otherwise  
35           ordered, at least five (5) days before the commencement of trial,  
36           the parties shall file and serve any excerpts of deposition  
37           testimony or other discovery to be offered at trial, other than  
38           solely for impeachment or rebuttal. (A copy of the designated  
39           deposition testimony with page and line references, or the  
40           interrogatory response or admission shall be provided). Any  
41           objections to the use of designated excerpts and any counter-  
42           designations of deposition testimony shall be filed and served  
43           prior to the commencement of trial.

For the Northern District of California

4. Jury Materials:
    - a. Unless otherwise ordered, at least five (5) days prior to the pretrial conference, the parties shall file and serve:
      - (1) Jury Voir Dire Questions;
      - (2) Proposed Jury Instructions; and
      - (3) Proposed Jury Verdict Forms.
    - b. Ordinarily, the court will give the standard preliminary jury instructions contained in the Model Jury Instructions of the Ninth Circuit prior to opening statements and will give the standard closing instructions in the Model Jury Instructions of the Ninth Circuit before closing arguments.
    - c. As to substantive case specific instructions, the parties shall meet and confer and submit jointly an agreed set of instructions, using the Model Jury Instructions of the Ninth Circuit where appropriate. In the event the parties are unable to agree to the language of a particular instruction, the objecting party shall submit a written objection or an alternative proposed instruction placed in sequence immediately following the disputed instruction. The joint set of jury instructions shall be submitted in hard copy as well as via email to [bernie\\_kunkel@cand.uscourts.gov](mailto:bernie_kunkel@cand.uscourts.gov).
  5. Trial Briefs: Trial briefs are optional, but any party wishing to file a trial brief must do so not less than five (5) days prior to the commencement of trial.

## IT IS SO ORDERED

DATED: October 23, 2001

/s/ Richard Seeborg  
**RICHARD SEEBORG**  
United States Magistrate Judge

1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER WAS ELECTRONICALLY  
2 PROVIDED TO:**

3 Dirk Donald Larsen DLarsen@lowball.com, sgravem@lowball.com  
4 Harry C. Gilbert hgilbert@travelers.com, paugusta@travelers.com  
5 Mark F. Hazelwood mhazelwood@lowball.com, dcostes@lowball.com  
6 Michael C. Serverian mserverian@rllss.com  
7 Stuart McLeod Wilson stuartwilson@earthlink.net  
8 William Robert Seligmann bill@southbaylaw.com

9  
10 Counsel are responsible for distributing copies of this document to co-counsel who have not  
11 registered for e-filing under the court's CM/ECF program.

12 Dated: August 20, 2008

13  
14 /s/ BAK  
15 Chambers of Magistrate Judge Richard Seeborg  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28